

76. (New) A method of overcoming a deleterious effect of a transgene conferring a value added trait in a plant or the plant grown from a transgenic plant seed comprising:

a¹ providing a plant or plant seed comprising a transgene that confers a value added transgenic trait to the plant or a plant grown from the plant seed but does not encode a hypersensitive response elicitor protein or polypeptide, and

applying to the plant or plant seed a hypersensitive response elicitor protein or polypeptide under conditions effective to overcome a deleterious effect of a transgene conferring a value added trait in a transgenic plant or the plant grown from the transgenic plant seed in comparison to the transgenic plant or the plant grown from the transgenic plant seed to which no hypersensitive response elicitor protein or polypeptide was applied.

Please amend claims 3-5, 7, 10, 11, 13-15, 17, and 20-21 as follows:

3. (Amended) The method according to claim 75, wherein said applying is carried out on a plant.

a₂ 4. (Amended) The method according to claim 3, wherein said applying is carried out by spraying, injection, or dusting.

5. (Amended) The method according to claim 75, wherein said applying is carried out on a plant seed.

a₃ 7. (Amended) The method according to claim 75, wherein the hypersensitive response elicitor polypeptide or protein is applied to the plant or plant seed as a composition further comprising a carrier.

10. (Amended) The method according to claim 75, wherein the hypersensitive response elicitor polypeptide or protein is in isolated form.

a₄ 11. (Amended) The method according to claim 75, wherein the hypersensitive response elicitor protein or polypeptide is derived from a species of pathogen selected from the group consisting of *Erwinia*, *Xanthomonas*, *Pseudomonas*, *Phytophthora*, and *Clavibacter*.

93 13. (Amended) The method according to claim 76, wherein said applying is carried out on a plant.

14. (Amended) The method according to claim 13, wherein said applying is carried out by spraying, injection, or dusting.

15. (Amended) The method according to claim 76, wherein said applying is carried out on a plant seed.

94 17. (Amended) The method according to claim 76, wherein the hypersensitive response elicitor polypeptide or protein is applied to the plant or plant seed as a composition further comprising a carrier.

20. (Amended) The method according to claim 76, wherein the hypersensitive response elicitor polypeptide or protein is in isolated form.

97 21. (Amended) The method according to claim 76, wherein the hypersensitive response elicitor protein or polypeptide is derived from a species of pathogen selected from the group consisting of *Erwinia*, *Xanthomonas*, *Pseudomonas*, *Phytophthora*, and *Clavibacter*.